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U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

MANUAL OF PROCEDURE
FOR THE GUIDANCE OF
CITY AND STATE HEALTH, FOOD,
AND DRUG OFFICIALS.

(REVISED.)



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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**MANUAL OF PROCEDURE FOR THE GUID-
ANCE OF CITY AND STATE HEALTH,
FOOD, AND DRUG OFFICIALS.**
(Revised.)

Compiled by J. S. ABBOTT and W. C. BURNET, *Office of
Cooperation.*

**ENFORCEMENT OF THE FEDERAL FOOD AND
DRUGS ACT OF JUNE 30, 1906.**

The United States Department of Agriculture is specifically charged with the enforcement of the Food and Drugs Act and amendments thereto. United States district attorneys, under their general powers, have authority to cause appropriate proceedings to be commenced and prosecuted in the proper courts for violations of the act. The evidence in such cases may be secured by them independently of, or in cooperation with, city, State, or Federal food and drug control officials. However, the evidence in such cases is usually of such a technical character that it is in most instances obtained by food and drug control organizations, and presented by them to the district attorneys.

For the most part the act is enforced by means of the evidence secured by the United States Department of

Agriculture. City and State food and drug control organizations are becoming important agencies in securing such evidence. Often they can more successfully protect the people by causing adulterated or misbranded foods or drugs to be seized under this act before they are widely distributed to retail dealers than by waiting until such goods have passed out of Federal jurisdiction into State jurisdiction. Furthermore, in order that punishment for violation of the act may be visited upon the man really responsible for it, the evidence of the violation of the act collected by a city or State official of one State is turned over to the United States Department of Agriculture, and passed on for prosecution in the State in which the offense was committed. In seizure proceedings, city and State officials present evidence directly to the United States district attorneys; in a prosecution of the manufacturer or shipper outside their States, city and State officials secure evidence of violations of the act, and transmit it to the proper division of this department, which passes it on to the proper Federal jurisdiction for prosecution.

The authority for such procedure is contained in section 5 of the Food and Drugs Act, in commissions to State food and drug commissioners, issued by the Secretary of this Department, and in Department of Justice Circular 116 (new).

**SECTION 5 OF THE FOOD AND DRUGS ACT OF JUNE 30,
1906.**

It shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

DEPARTMENT OF JUSTICE CIRCULAR 116 (NEW).

DEPARTMENT OF JUSTICE.

WASHINGTON.

SUBJECT: Violations of the Food and Drugs Act reported to United States attorneys under section 5 of said act, by health or food or drug officers or agents of any State, Territory, or the District of Columbia.

DEPARTMENT CIRCULAR 116 (NEW).

By section 5 of the act of June 30, 1906, known as the Food and Drugs Act, it is provided that it shall be the duty of each United States attorney to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of violation of said act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay, for the enforcement of the penalties provided therein.

Upon consideration of this provision of said act by this department and by the Department of Agriculture, it has been deemed advisable that when a case is reported to a United States attorney by the proper officer or agent of any State, Territory, or the District of Columbia, for *criminal prosecution*, before proceeding therewith a full report of the facts should be submitted to this department, in order that same may be transmitted to the Department of Agriculture and the view of that department be obtained with reference to the sufficiency of the evidence to warrant a conviction.

When information is received by United States attorneys from any one of such officials, which is deemed sufficient to warrant the forfeiture of goods, proper proceedings for that purpose should be at once instituted, but the case should thereafter be reported to this department.

GEORGE W. WICKERSHAM,
Attorney General.

JANUARY 3, 1910.

FORM OF COMMISSION FROM THE SECRETARY, U. S. DEPARTMENT OF AGRICULTURE, TO STATE FOOD AND DRUG COMMISSIONERS.

"In harmony with regulation 3 of the Rules and Regulations for the Enforcement of the Food and Drugs Act of June 30, 1906, you or your agents, under your direction, are hereby commissioned to collect samples of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been manufactured or produced, or which shall be received from any foreign country, or delivered for shipment to any foreign country, for examination under the 'direction or supervision' of the Bureau of Chemistry, as provided in section 4 of the act.

"Your attention is called to section 3 of the act, which shows the scope and extent of your activities. I am sending you the seals which are to be used upon such samples, and you will proceed in accordance with the directions contained in the regulations and the act which are cited therein. This authority for collecting samples is conferred upon you, or your agents under your direction, in the regular service of the State, and whether collected by you or your agents the collection must be made in harmony with the provision of the law and of the regulations for its enforcement. The samples, after having been properly selected and sealed, are to be delivered to the chemist of your service who has been commissioned by the Secretary of Agriculture to make the examination under the direction and supervision of the Bureau of Chemistry."

PROSECUTIONS AND SEIZURES UNDER THE FOOD AND DRUGS ACT INSTITUTED BY CITY AND STATE OFFICIALS.

Prior to the fiscal year beginning July 1, 1915, no cases under the Food and Drugs Act were instituted upon evidence secured by city officials except those of the District of Columbia and only a few upon the evidence of State officials. The following table shows what has been done during the last three fiscal years by city and State officials either independently or in cooperation with this department.

Cases instituted by State officials.

Fiscal year.	Food.	Feed.	Drug.	Total.
1916.....	35	35
1917.....	6	84	2	92
1918.....	64	90	2	156

In 1916, only four or five States and no cities took part in this work; in 1917, 16 States participated; and in 1918, 27 States and 1 city.

The cases instituted by the District of Columbia Health Department, which has been vigorously enforcing the Food and Drugs Act in the District of Columbia for a number of years, are not included in the tabulation.

PROCEDURE IN SECURING EVIDENCE OF VIOLATIONS OF THE FOOD AND DRUGS ACT.

The two main things to keep in mind in bringing and maintaining action under the Food and Drugs Act are: (1) Proof of adulteration or misbranding according to the specific provisions of the act; (2) proof of the interstate character of the goods.

As a guide for city and State officials who are assisting in the enforcement of the act by obtaining such information for presentation either to this department or to the district attorneys, the following brief suggestions and explanations are submitted:

PROCEDURE FOR COLLECTION OF OFFICIAL SAMPLES OF FOODS, FEEDS, AND DRUGS.

INSPECTORS.

1. Secure evidence that the articles—

(a) Are offered for sale in original unbroken-packages in any State other than that in which they have been respectively manufactured or produced, or

(b) Are being transported from one State, Territory, District, or insular possession to another, or, having been transported, remain unloaded, unsold, or in original unbroken packages, or

(c) Are sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States.

(d) Have been received from any other State, Territory, or the District of Columbia, or any foreign country, or

(e) Having been so received are delivered or offered for delivery in original unbroken packages.

(f) Are intended for shipment to any foreign country, or

(g) Have been manufactured in the District of Columbia or in any Territory of the United States.

2. Collect samples.

(a) The Bureau of Chemistry requires 3 separate divisions of each sample collected. Each division should be sealed separately and should bear the same I. S. No. as the other divisions of the sample. In case of bulk goods these divisions may be made by the inspector subsequent to the time of the collection of the sample.

(b) Describe samples, using "Inspector's Description of Sample" book, furnished by the Bureau of Chemistry. Write your address underneath your full name on this descriptive slip.

(c) Seal sample with paper seals furnished by the Bureau of Chemistry.

(d) Number samples with coupon numbers torn from "Inspector's Description of Sample" slip.

(e) Secure certified copy of dealer's guaranty, if he has such guaranty.

(f) Transport samples, preferably in person, or by registered mail, parcel post, or express, to your collaborating chemist.

3. Secure original or copy of invoices and freight records.

4. Secure a "Dealer's Receipt," signed by some one who can testify that the samples were taken from goods covered by the invoices and freight records.

5. Write up full report, making *one red* and *three blue* copies of "Inspector's Report on Collection of I. S. No. —" forms. (These forms are loose sheets and are made up mainly from the "Inspector's Description of Sample" slips and from the invoices and freight records. I. S. No. — means Interstate No. —, and is used to distinguish this number from numbers placed upon import samples.)

6. Send invoices, freight records, dealer's receipt, and *one red* and *two blue* copies of "Inspector's Report on

Collection of I. S. No. —" to your collaborating chemist. The third blue copy is for the inspector's own files.

7. Send one copy of the "Inspector's Description of Sample" to the Interstate Office, Bureau of Chemistry. This keeps the bureau informed of the activities of commissioned officials. Send the carbon copy to the chief of the district as indicated on slip.

8. Give your collaborating chemist any additional information which will assist him in making an analysis of the sample or in interpreting the result of analysis. The importance of all the information in possession of the inspector causing him to take the sample can not be overestimated.

9. Secure drawing or photograph of label, or preferably an original label when one can be obtained, and send to collaborating chemist.

10. All papers relative to the collection of the sample and to the evidence of its interstate shipment should be signed on the back by the inspector who obtained them.

COLLABORATING CHEMISTS.

The Secretary of the United States Department of Agriculture has appointed one or more chemists in the employ of each State to collaborate with this department in the analysis of official samples collected as indicated on the preceding pages. A list of the names of such chemists appears in the Directory of Federal and State Dairy, Food, Drug, and Feeding Stuffs Officials. Analyses made by any competent chemists, however, are just as useful in court procedure as those made by the collaborating chemists.

The following details in handling samples should be observed by chemists:

1. Receive samples and sign for them.

2. Make record of date of receipt, whether received from inspector in person, by registered mail, parcel post, or express, condition of box, and the I. S. number of the

sample. Make this record upon "Sample Index Card," furnished by the Bureau of Chemistry.

3. Analyze sample. (If in doubt as to the determination to make, the composition of unadulterated samples, or the methods of analysis, consult the Bureau of Chemistry.)

4. Retain samples and parts of samples, sealed and under lock and key, until notified by the commissioned State official what disposition to make of them.

5. Write results of analysis, preferably with typewriter, on analytical report sheet furnished by the Bureau, checking each item with your initials. *Make three carbon copies.*

6. Attach 3 analytical reports (the original and 2 of the carbons) to "Dealer's Receipt," copy of guaranty, freight records, 1 red and 2 blue copies of "Inspector's Report on Collection of I. S. No. —," and transmit with your recommendations to your commissioned State official.

7. Do not destroy your laboratory notes containing the report of the actual analytical work, as these are required as a part of the evidence when the case comes to trial.

8. Be sure that all the papers relative to the interstate shipment of the sample have been signed by the inspector, and that each item of your analytical report is checked with the initials of the analyst who made the analysis.

COMMISSIONED STATE OFFICIALS.

The commissioned State official should send with his recommendation to the nearest United States food and drug inspection station the sample or samples which the collaborating chemist has under lock and key, and all of the records turned over to him by the chemists.

INSPECTION DISTRICTS AND STATIONS OF THE BUREAU OF CHEMISTRY, U. S. DEPARTMENT OF AGRICULTURE.

EASTERN DISTRICT.

B. R. Hart, Chief, U. S. Appraiser's Stores, Christopher and Washington Streets, New York, N. Y.

INSPECTION STATIONS.

Baltimore, Md., A. L. Sullivan, Chief of Station, Park Avenue Building, Park Avenue and Saratoga Street.

Boston, Mass., E. J. Shanley, Chief of Station, U. S. Appraiser's Stores, 408 Atlantic Avenue.

Buffalo, N. Y., L. Patton, Acting Chief of Station, Federal Building, South Division and Ellicott Streets.

New York, N. Y., A. F. Seeker, Chief of Station, Room 1012, U. S. Appraiser's Stores, Christopher and Washington Streets.

Philadelphia, Pa., A. Stengel, Chief of Station, Room 405, U. S. Appraiser's Stores, 134 South Second Street.

San Juan, P. R., W. J. McGee, Chief of Station, Customhouse, 301-304 Post Office Building.

Savannah, Ga., H. H. Wagner, Chief of Station, U. S. Customhouse, Bay and Bull Streets.

CENTRAL DISTRICT.

R. E. Doolittle, Chief, 1625 Transportation Building, Chicago, Ill.

INSPECTION STATIONS.

Chicago, Ill., G. W. Hoover, Chief of Station, 1625 Transportation Building.

Cincinnati, Ohio, Jos. M. Humble, Acting Chief of Station, 411 Government Building, Fifth, Main, and Walnut Streets.

(12)

Kansas City, Mo., J. E. Earnshaw, Chief of Station,
402 Post Office Building.

Minneapolis, Minn., H. H. Walters, Chief of Station, 310 Federal Office Building, Third Street and Marquette Avenue.

New Orleans, La., F. L. Elliott, Acting Chief of Station, U. S. Customhouse, Canal and Decatur Streets.

St. Louis, Mo., Wm. R. M. Wharton, Chief of Station, Room 204, Old Customhouse, Third and Olive Streets.

WESTERN DISTRICT.

R. W. Hilts, Chief, U. S. Appraiser's Stores, San Francisco, Cal.

INSPECTION STATIONS.

Denver, Colo., R. S. Hiltner, Chief of Station, Tabor Opera House Building, Sixteenth and Curtis Streets.

San Francisco, Cal., W. A. Bender, Chief of Station, Room 33, U. S. Appraiser's Stores, Sansome and Washington Streets.

Seattle, Wash., W. Vincent, Chief of Station, 4145 Arcade Building, 1318 First Avenue.

MODIFIED PROCEDURE FOR COLLECTION OF SAMPLES.

One of the chief difficulties in securing sufficient evidence to warrant a proceeding for a violation of the Federal Food and Drugs Act is that of obtaining *proof of interstate shipment*. In general, this proof should be obtained by the inspector at the time of the collection of the sample. A sample taken in this way is called an "official sample." The records of proof of interstate shipment consist of the original or a copy of the *invoice* and *freight records* or other shipping memoranda covering the shipment, and a *receipt from the dealer* or his agent who received the goods from the transportation company to the effect that the article sampled by the inspector was the identical article covered by such invoice and shipping memoranda. A State inspector may soon become discouraged at the amount of time required both to obtain this proof of interstate shipment every time he collects a sample from an interstate shipment, and to prepare a complete record of the collection of the sample on the Bureau of Chemistry forms. Accordingly, a plan has been proposed that will eliminate much of this work, but still will enable State officials to apply the Federal Food and Drugs Act to every violation of the act which they discover. The plan proposed is as follows:

In the collection of samples of foods, feeding stuffs, and drugs which have been shipped in interstate commerce, a State inspector will take a sufficiently large sample in the case of bulk goods, or a sufficient number of samples in the case of small package goods, so that if analysis by a collaborating chemist of his State shows the products to be adulterated or misbranded there will be enough of the sample left for analysis by the Department of Agriculture. The inspector will use the State blanks, seals,

and sample numbers for describing every sample that he collects, and, in addition to this, will write his name, date of collection, and the number assigned to the sample, on the back of the invoice and other records in the possession of the dealer covering the goods which he samples. The dealer or the dealer's agent should write his name on the records also, so that at some future date the invoice and shipping records can be secured and identified in all cases where examination reveals evidence of adulteration or misbranding.

When a sample is analyzed by the State chemist and found to be neither adulterated nor misbranded under the Federal act, the case may be dropped, and, so far as this department is concerned, no effort need be made to obtain any records of shipment. It is not necessary to report such cases to this department. If it appears from the analysis that the goods are either adulterated or misbranded, the inspector should at some early date obtain from the dealer from whom he purchased the sample the original or a copy of the invoice, shipping memoranda, such as freight bill, way bill, or bill of lading, and a dealer's receipt as described above, which constitute the records of *proof of interstate sale and delivery*.

With the information which the State has at this stage of the procedure the inspector who collected the sample is in a position to prepare a description of it on the department's forms. The unused samples, or unused part of the sample analyzed by the State chemist, should be sealed by the State inspector with the Bureau of Chemistry paper seals, and identified by him with an I. S. number which corresponds to the I. S. number printed on the Federal "Description of Sample" slip used by him in reporting the collection of the sample to this department. These samples and forms when properly prepared, together with a copy of the State chemist's analysis, should then be sent to the nearest inspection station of the Bureau of Chemistry, which will handle the case thereafter.

It is believed that this plan will eliminate the necessity for the collection of "proof of interstate shipment" in most of the samples collected and analyzed, and that there will be no failure to apply the law because of the trouble necessarily involved in securing such proof.

It is suggested that the commissioned State official notify the nearest inspection station of the Bureau of Chemistry as soon as he finds a violation of the law. It may be that such station can assist materially in the preparation of the necessary papers and collection of data.

The State official in whose State the offense was committed also should be notified, as he might be able to correct the evil at its source.

REPORTS OF INSPECTORS AND CHEMISTS.

EXPLANATION OF BLANKS, FORMS, AND CARDS USED BY BUREAU OF CHEMISTRY.

The Central District of the Bureau of Chemistry has just sent out instructions to its inspection force on the use of blanks now employed for reports on the collection and analysis of official samples. These instructions, in so far as they apply to State officials, are as follows:

INSPECTION RECORDS.

I. DESCRIPTION OF SAMPLE SLIP.

The blank spaces shall be properly filled in, on the type-writer, as follows:

1. Under "Label," only the essential parts of the label need be given. If the package bears no label, a statement to that effect should be made in this space.

2. Under "Manufacturer," the full name and address shall be given. If no information is available as to the name of the manufacturer, the name of the shipper shall be given in this space and this fact indicated.

3. Under "Dealer" shall be given the name and address in full.

4. The word "Informal" or "Official," whichever does not apply, shall be crossed out.

II. INSPECTOR'S REPORT ON COLLECTION.

- a. It is essential that the inspector shall obtain all available information concerning the shipment from which the sample is taken and the details of the transaction between the shipper and the dealer at the time the sample is collected. All information of this character, secured by the inspector, for which no blank is provided on the collection report, shall be reported as a note on the lines below "Brief statement of handling product since delivery to dealer," or, if the statement is lengthy, it shall be writ-

ten on a separate sheet and attached to the report on collection. This information is necessary for the proper consideration of the case later, and, unless secured at the time of collection of the sample, can not be obtained in many instances, or only at the expense of much time and money.

b. The "Inspector's Report on Collection" form shall be completed in the following manner:

1. "Substance."

Under this heading shall be given merely the name of the substance as represented to the dealer by the seller, as, for instance, "White Clipped Oats," "Tomato Catsup," etc.

2. "Label on retail package."

(a) Under this heading it is necessary to quote only the principal portions of labels, sufficient to accurately identify the product, as, name of product, brand, statement of ingredients required by law, if a drug, analysis, if declared, statements of quantity of contents, preservatives, and artificial color, any extraordinary representations, and the name and address of the manufacturer. Also, in connection with quotations of labels, there shall be named the particular labels from which each quotation was taken. In case there is more than one retail label, as a bottle label, carton label, and circular, the principal portions of each need be given only if the labels differ in these particulars. Where the principal portions are the same, a statement to this effect is sufficient. If the package bears no label, a statement to that effect should be made in this space.

(b) If an original package or label is not secured as a sample, a tracing, photograph, or facsimile of all labels and marks on the original package shall invariably be submitted with the interstate records.

2. "Label on retail package—Continued.

- (c) All original labels, photographs, tracings, and facsimiles which represent the manner in which the shipment was labeled shall be identified with the I. S. number, initials of the inspector, and the date of collection. All other labels, pamphlets, exhibits, etc., which are not a part of the interstate records but are collected for certain information, as, for instance, labels to be placed on packages by the dealer before distribution, shall be submitted with a separate memorandum instead of being quoted in the collection report. This memorandum shall explain that the labels transmitted are no part of the official samples upon which the case is based and the reasons for which they were collected.
- (d) In connection with net weight samples bearing no labels and where it is impracticable to secure an original package, photographs of the packages should be taken to support the statement of the inspector that the containers were unlabeled, and further corroborative evidence obtained by having incorporated in the dealer's receipt a statement over the dealer's signature that the package bears no statement of net contents.
- (e) Under this heading there shall also appear a statement whether the product when received by the dealer bore the same label as when sampled by the inspector, or whether the goods came to the dealer unlabeled and labels were attached by him. If labels were attached by the dealer, it should be ascertained whether they were his own labels or labels sent him for attachment. If the latter is found to be the case, it should be learned who sent him the labels and how they were forwarded to him, and this information also shown in this space.

3. "Label on shipping package."

(a) The instructions given for retail packages apply also to the shipping packages.

(b) In addition, any identifying marks appearing on the package, as the car number, the name of the transportation company, the lot number, weights, and date of receipt by the railroad at destination, shall be given in this space if appearing on the shipping package.

4. "Manufacturer."

Care should be given to be sure that the name given is that of the manufacturer. If this can not be ascertained, a statement to that effect should be made.

5. "Shipper."

The name of the shipper should be that shown upon the shipping record and not the name of the seller as shown by the invoice.

6. "Dealer."

Give under this heading the correct name and address.

7. "Salesman."

Under this heading shall be given the name and title of the person from whom the sample was purchased. Attention is called to the desirability, wherever practicable, of having the person who receives the payment for the sample also identify the records with the goods.

8. "Identified by."

If the person who identifies the shipment with the records is not the party from whom the sample is purchased, obtain the full names and titles of all persons involved.

9. "With shipment covered by submitted original copy of invoice dated _____, 191—."

(a) The word "original" or "copy" which does not apply to the record in question shall be crossed out.

(b) If a letter or other paper is submitted in lieu of an invoice, the word "invoice" shall be crossed out, and the word which applies substituted.

(c) If there is no invoice or other record of sale, that fact shall be indicated in this space.

10. "Issued by."

The name and address of the seller shall be given in this space.

11. "And original copy of."

(a) The word "original" or "copy" which does not apply to the record in question shall be crossed out.

(b) In addition, under this heading it shall be shown whether the paper secured is a bill of lading, freight bill, waybill, manifest, or driver's statement.

(c) Where shipment is made by truck or wagon, a statement should be obtained from the driver who actually made the delivery.

12. "Dated _____, 191—."

In giving dates of shipping memoranda, give the dates when the papers were issued, as, for instance, when a freight bill is specified give the date of the issuance of that paper and not the date of the waybill as shown thereon.

13. "Issued by."

Give the correct corporate title of the common carrier.

14. "Pro. No."

The Pro. number and the freight bill number are the same.

15. "Showing shipment from."

Under this heading give the name of the place from which the shipment originated, and also the date when shipped.

16. "Collected on."

Give month, day, and year sample was collected by inspector.

17. "At —— a. m., p. m."

Enter time of day collected, and cross out the abbreviation "a. m." or "p. m.," which does not apply.

18. "Price paid."

If no charge was made for the sample, it should be so stated in this place.

19. "Per."

Under this heading give the unit on which the price is based, as per pound, per bottle.

20. "Delivered to."

In express shipments, show the name of the express company and the name of place where delivered.

21. "On —— at —— a. m., p. m."

Give the date and time of day of delivery to the express company or post office, and cross out the abbreviation "a. m." or "p. m.," which does not apply.

22. "For transportation to."

Give the name of the station of the bureau, or your laboratory, to which the sample was forwarded.

23. "Sample taken from."

Indicate whether taken from shelf stock, warehouse, special order, opened cases in stock room, from car, or under whatever other conditions the stock was found when sample was taken. When samples are taken direct from cars, give the car number in this space.

24. "Consisted of."

Attention is called to the necessity of stating the number of subdivisions, and the number and size of the packages from which the sample was taken, as, for instance, 3 cans of tomato paste from each of 12 cases, each case containing 50 cans.

25. "Prepared in the following manner."

Describe fully the manner of sealing, and the identifying marks placed on subdivisions. Identify the sample to show from which case or container it is taken, and also identify the container. If several units are combined to make a subdivision, give in this space the number of packages in each subdivision. When bottles in cartons are collected, the seals should be placed on the bottles in all cases where practicable.

26. "Amount of shipment."

Give the amount received by the dealer.

27. "Dealer has on hand."

Give the amount on hand at the time the sample was collected.

28. "Invoice price."

Wherever practicable, give the unit price at which the goods were invoiced to the dealer and the name of the unit.

29. "Reasons for collection."

Under this heading give the reason why the sample was collected, indicating the character of the violation suspected, and reference to any specific information or instructions. Copy of all instructions to collect a sample shall be attached to the collection report.

30. "Brief statement of handling product since delivery to dealer."

Under this heading give the conditions under which the product has been stored, particularly in the case of perishable goods and in those cases where moisture content is involved.

31. "Other samples same shipment, I. S. No."

Under this heading give the I. S. numbers of other samples taken from the same shipment.

32. "_____ Inspector."

The Report on Collection shall be typewritten and the ribbon copy shall bear the signature and address of the inspector. The inspector's name may be either typewritten or stamped upon the carbon copies. The inspector should sign his full name, not simply his initials.

III. INTERSTATE RECORDS.

a. These shall consist of (1) invoice; (2) bill of lading, freight bill, waybill, manifest, or driver's receipt; (3) dealer's receipt; (4) contract, confirmation of sale, shipping instructions, telegram, or correspondence referring to the transaction.

b. There shall be the original or one copy of each.

c. For informal samples complete interstate records are not necessary, but invoice should be submitted or date thereof given on "Report on Collection."

d. For postseizure samples the interstate records shall be filed with the pre seizure sample.

e. The following items in the interstate records shall be carefully checked:

1. On invoice:

- (a) Dates agree with dealer's receipt.
- (b) Dates agree with collection report.
- (c) Names agree with shipping memorandum.
- (d) Names agree with dealer's receipt.
- (e) Names agree with collection report.

2. On shipping memorandum:

- (a) Dates agree with dealer's receipt.
- (b) Dates agree with collection report.
- (c) Names agree with dealer's receipt.
- (d) Names agree with collection report.

2. On shipping memorandum—Continued.

- (e) Name of shipper is shown.
- (f) Origin is shown.
- (g) Name of consignee is shown.
- (h) Destination is shown.

NOTE.—In all cases the names of the consignee and consignor and the points of origin and destination should be shown upon the shipping memorandum. This is necessary because the shipper, shown by the shipping memorandum, is in many cases not the same as the seller, shown on the invoice.

3. On dealer's receipt:

In all cases where collection of a sample is made at a dealer's place of business it is necessary to have a dealer's receipt.

- (a) Bears the name of the person or persons who can identify the shipment with the sample, invoice, and shipping memorandum.
- (b) Bears title, or connection with firm, of the person signing receipt.
- (c) All blank spaces properly filled in.
- (d) Bears statement over dealer's signature, showing whether or not labels or tags were attached to the packages at the time the shipment was received by the dealer.
- (e) Papers other than invoice and shipping memorandum, viz, contract, confirmation of sale, shipping instructions, telegrams, and correspondence, secured by the inspector at the time of collection of sample, are listed over dealer's signature.
- (f) These additional papers (contract, confirmation of sale, shipping instructions, telegrams, or correspondence) agree with the shipping memorandum or invoice as to number, date, car number, or names.

4. On shipper's memorandum.

- (a) In cases where the party invoicing the goods is not the shipper (as, for instance, shipments made in pool cars, or through forwarding companies, or by manufacturers direct to dealers) records must be secured connecting the firm invoicing the goods with the interstate shipment.
- (b) If the product collected was received by the dealer, by truck or wagon, from another merchant who was the consignee from the shipper, there shall accompany the papers a copy of the shipping memorandum to the original consignee, a copy of the invoice to the consignee from his shipper, a copy of the invoice from the consignee to the dealer, a dealer's receipt from the dealer, and a dealer's receipt or written statement from the original consignee, certifying to all the facts with which he is acquainted. The dealer's receipt or written statement shall also show the name of the driver who actually delivered the goods from the original consignee to the dealer.

IV. LABEL.

- a. There shall be an original or one copy of all labels.
- b. If a label or tag from the packages referred to on the collection report is not secured, a tracing, photograph, or facsimile of the label shall accompany the papers of the case. If such a paper is not in the possession of the station making the original analysis it must be secured by them before the records are forwarded. In cases where it is not possible to secure an original label, tracing, photograph, or facsimile a statement of the reason why it can not be secured shall be inclosed with the records.

c. In connection with net weight samples, bearing no labels, and where it is impracticable to secure an original package, photographs of the packages should be taken to support the statement of the inspector that the containers were unlabeled.

d. If there are several labels, such as a bottle label, unit carton, dozen bottle carton, and shipping package label mentioned upon the collection report, the originals or copies of all shall be submitted and properly identified by a statement from where taken.

e. Where booklets, circulars, etc., accompany the package these shall be submitted as a part of the label.

f. All labels, including circulars, booklets, etc., in connection with the interstate shipment shall be numbered, initialed, and dated by the inspector and the analyst for identification.

g. In binding labels into the folders, unless they are of large size, they shall be stapled or pasted to a letter size sheet of firm paper in such a manner as to permit photographing without removing from the sheet. If labels are of such a nature that they can not be fastened to a letter size sheet they may be inclosed in an envelope fastened in the folder, the envelope being well clipped shut. In cases where the label is on bags, boxes, or other large containers and can not be removed, and it is necessary to submit such container, this shall be submitted separately.

ANALYTICAL REPORTS.

There shall be prepared one original ribbon copy and three carbon copies of all analytical report sheets. The original ribbon copy and two carbon copies shall be forwarded with the case to the district office.

I. ORIGINAL ANALYTICAL REPORT SHEETS.

- a. The original analytical report sheets shall be completed in the following manner:
1. Analytical results on original and all carbons initialed by the analyst. Where two or more analysts make an examination of the same sample the different analysts' results should be separated on the analytical report sheets and only the determinations made by each analyst initialed by him, so that there may be no doubt as to which results were obtained by each analyst.
 2. In connection with samples examined for net weight the individual weighings on a comparatively large number of packages shall be given, the average quantity found, and the average percentage of variation.
 3. Under the analytical results shall be given the findings of the analyst in plain terms and not in terms of the law, as "deficient in protein and fat," "contains 15 per cent added water," "package bears no statement of the net contents," etc. The words "adulterated" and "misbranded" should not be used in connection with the findings of the analyst.
 4. Underneath the findings of the analyst there shall be given a description of the subdivision examined by him. If this is the original package a statement to that effect, together with the inspector's identification marks, is sufficient. In cases where the original interstate package is not examined a full description of the analyst's subdivision, including the size and kind of container, the labels and marks appearing thereon, as well as those upon the seals, I. S. pasters, and other stickers attached to the package shall appear in this space. The description of the analyst's subdivision shall be verified and initialed by the analyst.

5. Under the heading "Substance" shall be given the name of the article as indicated on the "Inspector's Report on Collection" sheet.
6. Under the heading "Label" shall be quoted all important portions of the label or labels appearing upon the original package, together with a statement showing from where taken, as, for instance, bottle label, carton label, tag, etc. This shall be copied from the original label, photograph, or tracings submitted. If the important parts of the label or labels to be quoted are lengthy and there is not sufficient space to copy same on the analytical report sheet, a label sheet shall be made out for each analytical report sheet and these sheets shall bear the statement "See label sheet attached," in the space provided for copying the label.
7. Under the heading "Manufacturer," the name and address of the actual manufacturer shall be given. If the manufacturer and shipper are the same, this shall be indicated by adding the words "and shipper," making the heading read "manufacturer and shipper." If the manufacturer and shipper are different, the name and address of the shipper shall be given immediately above that of the manufacturer.
8. Under "Dealer" shall be given the name and address of the dealer.
9. After the headings "Inspector" and "Analyst," shall appear the full names, including the given names.
10. Under "Date shipped" shall be given preferably the date of the bill of lading or waybill. In all cases the abbreviations "B/L," "W/B," "F/B," "Inv." shall be prefixed to show whether or not the date is taken from the bill of lading, waybill, freight bill, or invoice.

11. Under the heading "Purchased" shall appear the date the sample was purchased by the inspector, as given in the "Inspector's Report on Collection Sheet."
12. Under "Received" shall be the date on which the sample was received by the laboratory in which analysis was made.
13. Under "Reported" shall be the date on which the analyst reports the results.
14. Under the heading "Condition of Samples" shall be given the number of samples opened by the analyst and the number remaining with seals intact after the analysis is completed.
15. If seizure is made in connection with a sample, the post-seizure analytical report sheets shall be marked with the legend "Post-Seizure No. —," and the seizure number supplied.
16. Under "Conclusions" shall be given the deduction drawn by the commissioned official, or other administrative officer, together with his recommendation for permanent abeyance or citation. In this connection attention is called to the desirability of making reference to other samples of the same or other products from the same or other manufacturers, that have a material bearing on the case.
17. The original and all carbons shall be signed by the collaborating chemist or the person designated to act in his place.

II. ADDITIONAL INFORMATION SHEETS.

a. The additional information sheets shall be completed in the following manner:

1. At the tops of these sheets, immediately beneath the double line, shall be written the words "ADDITIONAL INFORMATION," in full capitals.

2. In addition to the further results obtained by the analyst, there shall be given a description of the package or packages examined by him, as required upon the original sheet. If a portion from the same package as in the previous analysis was examined, this fact shall be stated, together with any initials or marks placed by the first analyst on the packages, seals, and pasters, at the time of the previous analysis.
3. The analytical results and description of analyst's sample shall be initialed as on the original sheet.
4. It is necessary to give only the I. S. number, the substance, the description of the analyst's sample, the laboratory, the name of the manufacturer, the name of the shipper, the full name of the analyst, the date of receipt, if received from some other station, the date reported, and the condition of samples.
5. Immediately after the word "Conclusions" shall appear the statement: "See original report, dated _____ from _____ Station." If the results warrant a different conclusion than that on the original sheet there shall be given in this space, in addition, any modification of the original deductions that you may desire to indicate. When the additional determinations have been made at the request of the district office, a reference to the letter or telegram of instructions shall be given in this space.

III. CHECK ANALYSIS SHEETS.

These sheets shall be completed and handled in the same manner as the "Additional Information" sheets, except that at the top, immediately beneath the double line, shall be written the words, "CHECK ANALYSIS," in full capitals.

SEALING SAMPLES.

Inspectors should use the regulation paper seals, bearing the seal of the department, together with a space for noting the I. S. number, date of collection, and the name of the inspector. Each seal used upon the sample must bear these notations in the handwriting of the inspector, either in ink or with an indelible pencil; neither initials nor stamps will be sufficient for this purpose.

The seals should be so affixed that the sample may be opened by the analyst without destroying the identifying marks. Care should be exercised in placing them on the package, to prevent the breaking of the seal in transit. Reading matter contained on the label or stickers of the package should not be obliterated by the seals. If it is impossible to use the seal on a unit package without effacing the label or design, each unit should be numbered and initialed by the inspector, and the subdivision securely wrapped in an outer covering and the seals attached to this, after writing thereon the name of the substance of the sample.

SEALING AND PACKING.

It is not necessary that the sealing and packing be done in the store where the sample is purchased, but it is important that the inspector maintain immediate charge of the sample from the moment it is purchased of the dealer until delivered to the post office or express office for shipment. A failure to observe these directions, by leaving samples at the hotel unsealed or having delivery made to the inspector by the dealer after purchase, may prejudice the result of the trial if such facts are developed.

SEIZURE ACTIONS—PROSECUTION OF ILLEGAL PRODUCTS.

It should be borne in mind that either one of the foregoing procedures is followed in anticipation of a criminal prosecution under section 2 of the act. Such procedure is also followed whenever it is intended to start a seizure action under section 10 of the act, which is to be followed by a criminal prosecution.

Whenever it is the intention of an official simply to make a seizure of unlawful goods without following it up with a criminal action, however, the procedures outlined need not be followed precisely. It may not even be necessary to take a sample, as in the case of spoiled fish or other decayed meat. In such cases the examination made by an inspector on the ground takes the place of the laboratory examination of the sample. Accurate notes should be taken by the inspector of all important points, and he should not rely upon his memory for essentials. It is not necessary in seizure cases to show that the goods were adulterated or misbranded before the time they were offered in interstate commerce.

Seizures of adulterated or misbranded goods may be made through the United States district attorneys independently of the Bureau of Chemistry upon the evidence submitted by commissioned State officials or by any other State health, food, or drug official. This course is desirable in the case of decomposed or putrid perishable food products which are likely to be scattered and consumed before a report of the case could take its regular course through the Department of Agriculture and the Department of Justice. A report of such seizures, however, with a copy of the libel, monition, and marshal's return, should be made to the inspection station of the Bureau of

Chemistry through which the State cooperates, for proper record, and this should be followed in due time by a report of the judgment of the court in the case.

GOODS THAT MAY BE SEIZED.

Section 10 of the act indicates in the following language what goods may be seized:

“That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation.”

UNITED STATES ATTORNEYS.

Seizure proceedings must be instituted and perfected in the judicial district where the goods are found, and every case appropriated for such proceedings should be reported by the commissioned State officials directly to the United States attorney for the district where the goods are located. In every case the United States attorney should be informed of the facts concerning the interstate shipment of the consignment, of the evidence which is available to prove that the consignment is adulterated or misbranded, the location of the consignment, and the marks by which it can be identified.

It is suggested that in filing a libel it is not always necessary to give the name of the consignee or the name of the party in whose possession the goods are found. To do so may work an injustice to an innocent consignee and interfere with the cooperation between the officials and dealers.

EXPENSES THAT MAY BE INCURRED BY STATE OFFICIALS.

The Bureau of Chemistry is authorized to reimburse the various State health and food departments or chemists for the chemicals and other laboratory materials actually consumed by collaborating chemists in the work of analyzing samples in connection with the enforcement of the Federal Food and Drugs Act *under the supervision of this bureau*; also to reimburse for the actual cost price of official samples taken by them and for the expenses incident to shipping and packing these samples. Any shipment made to Washington, D. C., the charges on which are to be paid by the Department of Agriculture, should be shipped transportation charges *collect*.

Reimbursement will also be made for expenses incurred for notary fees when necessary in connection with making affidavits relative to analysis of samples, etc., and for registering valuable packages to the bureau when the registry receipt is attached to cover such charge.

When submitting an account express receipts must be attached in each case, showing weight, points between which shipment moved, scale number, consignee, and consignor.

When the sum total of all the above items for which reimbursement is to be made amounts to \$3 or more for any one month, an itemized account for same should be submitted on a Form 5 voucher at the end of such month. If the expenses do not amount to \$3, the account should be submitted quarterly or once in two months. When any expense has been incurred, submit it at the end of each quarter (July-September; October-December; January-March; April-June).

Collaborating chemists should forward to the Bureau of Chemistry at the end of each calendar month a salary voucher covering all services performed under their appointments as per diem employees of this bureau during such month, from the first to the last day, inclusive, of the month. This account should be prepared on a Form 3 voucher, care being taken to fill in all the spaces as indicated on the face of the voucher, except those marked "Appropriation" and "Symbol." Under "Remarks" give the dates on which services were performed and whether services were performed for whole days, or fractional parts thereof expressed as hours.

In addition to this information there should be submitted on a *separate* sheet of paper, letterhead, or convenient form, a statement giving the following information:

- (1) I. S. Nos. assigned to samples analyzed or examined.
- (2) A brief description of label thereon.
- (3) Results or conclusions drawn from the examination or analysis, i. e., whether or not the samples were found to comply with the law.

If a voucher is not received within a reasonable time (about 10 days) after the expiration of any month, it will be understood that no services have been performed during that month and money will not be reserved therefor.

Before the trial of a case, instituted upon the evidence submitted by commissioned State officials to the United States Department of Agriculture and upon the recommendation of the Secretary of Agriculture, the State inspector, collaborating chemist, and their subordinates, if necessary witnesses to identify samples, will be notified to be present at the trial to testify in behalf of the Government. The Department of Agriculture, subject to its fiscal regulations, will reimburse such witnesses for the actual and necessary expenses incurred by them.

The United States Department of Agriculture will not pay for expenses incurred by State officials upon their own initiative and independently of the department in the prosecution of cases instituted by the United States district attorneys upon the evidence submitted by State officials direct to such attorneys. In such cases State officials should take up the matter of fees and expenses with the United States attorney in whose district prosecution was brought.





